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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HARPER, LEON JONATHAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,590	Applicant(s) POLSON ET AL.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application 10606590 filed on 6/26/2003.

Claims 1-71 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1,2,11,12,19-33, 41-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030233349 (hereinafter Stern) in view of US 2003 0195863 (hereinafter Marsh).

As for claim 1 Stern discloses: opening media content that does not include a table of contents (See figure 6 no TOC); receiving a request for metadata associated with the media content (See paragraph 0030 lines20-25), extracting search criteria from the media content (See paragraph 0030 lines 17-20); searching a database that contains media content metadata based on the search criteria (See paragraph 0030 lines 17-20); displaying one or more sets of metadata that, based on the search criteria, may be associated with the media content (See paragraph 26-28), receiving an indication of a user selection of a particular one of the sets of metadata (See paragraph 26-28 "user selects");

Stern differs from the claimed invention in that storing the particular set of metadata in a media library, such that the set of metadata is associated with the media content is not explicitly indicated. It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching on Marsh into the system of Stern. The modification would have been obvious because storing the information allows for the metadata to be downloadable.

As for claim 2, the rejection of claim 1 is incorporated and further Marsh discloses: wherein the media content includes a data structure for storing textual metadata associated with the media content (See paragraph 0448).

As for claim 11, the rejection of claim 1 is incorporated, and further Stern discloses: expanding the search criteria to include similar search terms (See paragraph 0048); and searching a music metadata database based on the expanded search criteria to identify metadata that may be associated with the media content (See last 5 lines of paragraph 0049).

As for claim 12, the rejection of claim 1 is incorporated, and further Stern discloses: submitting search criteria to a server computer system; and receiving search results from the server computer system (See paragraph 0027).

As for claim 19, the rejection of claim 1 is incorporated, and further Stern discloses: wherein the storing the particular set of metadata in a media library comprises: writing the metadata to a media library, such that the metadata is associated with a particular media ID; and associating the particular media ID with the media content (See lines 4-8 of paragraph 0040).

As for claim 20, the rejection of claim 19 is incorporated, and further Stern discloses: wherein the associating comprises modifying the media content to include the media ID (See lines 3-10 of paragraph 0040).

As for claim 21 the rejection of claim 19 is incorporated, and further Stern discloses: wherein the associating comprises adding a binary GUID that represents the media ID to a file containing the media content (See paragraph 0040 and note that everything on a computer is reduced to binary).

As for claim 22, the rejection of claim 1 is incorporated, and further Marsh discloses: wherein the media content comprises an MP3 file (See paragraph 0668).

As for claim 23, the rejection of claim 1 is incorporated, and further Marsh discloses: wherein the media content comprises an WMA file (See paragraph 0668).

As for claim 24, the rejection of claim 1 is incorporated, and further Stern discloses: receiving a request for more details associated with a particular one of the sets of metadata (See paragraph 0051 "clicking on link for more info), and displaying additional data associated with the particular set of metadata (clicking link displays pane).

As for claim 25, the rejection of claim 24 is incorporated, and further stern discloses: wherein the particular set of metadata is associated with a music album, and

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wherein the additional data comprises a list of tracks associated with the music album (See paragraph 0040).

As for claim 26, the rejection of claim 24 is incorporated, and further Stern discloses: submitting a media ID associated with the particular metadata to a server computer system' 1 receiving the additional data from the server computer system', and displaying the additional data (See paragraph 0040).

As for claim 27, the rejection of claim 1 is incorporated and further Stern discloses: One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to implement the method as recited in claim 1 (See paragraph 0025).

As for claim 28 Stern discloses: opening media content that does not include a table of contents (See figure 6 no TOC); receiving a request for metadata associated with the media content (See paragraph 0030 lines 20-25), extracting search criteria from the media content (See paragraph 0030 lines 17-20); searching a database that contains media content metadata based on the search criteria (See paragraph 0030 lines 17-20); displaying one or more sets of metadata that, based on the search criteria, may be associated with the media content (See paragraph 26-28) receiving an indication of a user request to modify the search criteria (See paragraph 0031 user interface allows for modification of content); displaying the search criteria to the user

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(See paragraph 0032 output generates pane); receiving user-submitted modifications to the search criteria (See paragraph 0031 content editor); searching the database that contains media content metadata based on modified search criteria (See paragraph 0031 database is used to generate search files);

Stern differs from the claimed invention in that displaying one or more sets of metadata that, based on the modified search criteria, may be associated with the media content is not explicitly indicated. Marsh however does disclose displaying one or more sets of metadata that, based on the modified search criteria, may be associated with the media content (See paragraph 1670). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated, the teaching of Marsh into the system of Stern. The modification would have been obvious because displaying additional metadata allows for the displaying of metadata that is based on the modified search.

As for claim 29, the rejection of claim 28 is incorporated, and further Marsh discloses: wherein the data structure includes a data structure for storing textual metadata associated with the media content (See paragraph 0448).

As for claim 30, the rejection of claim 29 is incorporated, and further Stern discloses: wherein the data structure for storing textual metadata comprises structures

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for storing at least one of an artist name, an album name, and a track name (See paragraph 0040).

As for claim 31, the rejection of claim 28 is incorporated, and further Marsh discloses: wherein the media content comprises an MP3 file (See paragraph 0668).

As for claim 32, the rejection of claim 28 is incorporated, and further Marsh discloses: wherein the media content comprises an WMA file (See paragraph 0668).

As for claim 33, the rejection of claim 28 is incorporated, and further Stern discloses: One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to implement the method as recited in claim 28 (See paragraph 0025).

As for claim 41 Stern discloses: extracting search criteria from media content that lacks a table of contents (See paragraph 0030 lines 17-20), and attempting to identify metadata associated with the media content based on the search criteria (See paragraph 0030 lines 20-23).

Stern differs from the claimed invention in that the search criteria comprising at least one of a track name, an artist name, and an album name is not explicitly indicated. Marsh however does disclose search criteria comprising at least one of a track name, an artist name, and an album name (See paragraph 0139). It would have been obvious

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to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Marsh into the system of Stern. The modification would have been obvious because identifying key terms like artist and album in the search criteria can simplify the search.

As for claim 42, the rejection of claim 41 is incorporated, and further Marsh discloses: wherein the extracting comprises identifying data stored in attribute tags associated with the media content (See paragraph 0154).

As for claim 43, the rejection of claim 41 is incorporated, and further Stern discloses: wherein the extracting comprises parsing a filename associated with the media content (See paragraph 0041).

As for claim 44, the rejection of claim 41 is incorporated, and further Stern discloses: displaying one or more sets of metadata that, based on the search criteria, may be associated with the media content (See paragraph 26-28), receiving an indication of a user selection of a particular one of the sets of metadata (See paragraph 26-28 "user selects"); maintaining the particular set of metadata in a media library, such that the metadata is associated with the media content (See paragraph 0030).

As for claim 45, the rejection of claim 41 is incorporated, and further if metadata associated with the media content is not found (See lines 10-13 of paragraph 0032):

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enabling a user to modify the search criteria (See last 4 lines of paragraph 0032); and attempting to identify metadata associated with the media content based on modified search criteria (See paragraph 0030 note: process is repeated).

As for claim 46, the rejection of claim 45 is incorporated, and further Stern discloses: wherein said enabling comprises causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the media content can be collected from the user (See figures 8A-8F and paragraph 0052).

As for claim 47, the rejection of claim 41 is incorporated and further Stern discloses: if metadata associated with the media content is not found (See lines 10-14 of paragraph 0032): enabling a user to enter metadata to be associated with the media content (See paragraph 0030), and maintaining user-submitted metadata in a media library, such that the user-submitted metadata is associated with the media content (See paragraph 0030).

As for claim 48, the rejection of claim 41 is incorporated, and further wherein said enabling comprises causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the media content can be collected from the user (See paragraph 0052).

As for claim 49, the rejection of claim 41 is incorporated, and further Marsh discloses: wherein the media content comprises an MP3 file (See paragraph 0668).

As for claim 50, the rejection of claim 41 is incorporated, and further Stern discloses: One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to implement the method as recited in claim 41 (See paragraph 0025).

As for claim 51 Stern discloses: identifying search criteria associated with media content, the media content lacking a table of contents (See lines 13-15 of paragraph 0030); searching a database for metadata to be associated with the media content, the search based on the search criteria (See lines 13-17 of paragraph 0030); and if no metadata to be associated with the media content is found, attempting to identify more accurate search criteria by causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the media content can be collected from the user (See figures 8a-8f and paragraph 0052).

As for claim 52, the rejection of claim 51 is incorporated and further Stern discloses: receiving information from the user, via the Wizard UI, the information pertaining to the media content (See paragraph 0052).

As for claim 53, the rejection of claim 51 is incorporated, and further Stern discloses: the information collected by the Wizard UI comprises an artist's name (See figure 8D).

Stern differs from the claimed invention in that wherein the media content comprises an MP3 file is not explicitly indicated. Marsh however does disclose wherein the media content comprises an MP3 file (See paragraph 0668). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Marsh into the system of Stern. The modification would have been obvious because mp3s are very small compressed music files which many users use because they can store more music.

As for claim 54, the rejection of claim 51 is incorporated, and further Stern discloses: the information collected by the Wizard UI comprises an album name (See figure 8f #884).

Stern differs from the claimed invention in that wherein the media content comprises an MP3 file is not explicitly indicated. Marsh however does disclose wherein the media content comprises an MP3 file (See paragraph 0668). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Marsh into the system of Stern. The modification would have been obvious

because mp3s are very small compressed music files which many users use because they can store more music.

As for claim 55, the rejection of claim 51 is incorporated, and further Stern discloses: the information collected by the Wizard UI comprises an track name (See figure 8D and paragraph 0052).

Stern differs from the claimed invention in that wherein the media content comprises an MP3 file is not explicitly indicated. Marsh however does disclose wherein the media content comprises an MP3 file (See paragraph 0668). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Marsh into the system of Stern. The modification would have been obvious because mp3s are very small compressed music files which many users use because they can store more music.

As for claim 56, the rejection of claim 51 is incorporated, and further Stern discloses: further comprising searching the database for metadata based on the information collected by the Wizard UI (See paragraph 0030 note: search is done on the pane).

As for claim 57 Stern discloses: identifying search criteria associated with media content, the media content lacking a table of contents (See lines 13-17 of paragraph

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0030), searching a database for metadata to be associated with the media content (See paragraph 0030 lines 14-19), the search based on the search criteria (See paragraph 0030 lines 14-19); and if no metadata to be associated with the media content is found, attempting to identify metadata to be associated with the media content by causing a Wizard user interface (U1) to be presented to a user via a client computer so that information pertaining to the media content can be collected from the user (See figures 8a-8f and paragraph 0052).

As for claim 58, the rejection of claim 57 is incorporated and further Stern discloses: receiving information from the user, via the Wizard UI, the information pertaining to the media content (See figures 8a-8f and paragraph 0052).

As for claim 59, the rejection of claim 57 is incorporated, and further Stern differs from the claimed invention in that wherein the media content comprises an MP3 file is not explicitly indicated. Marsh however does disclose wherein the media content comprises an MP3 file (See paragraph 0668). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Marsh into the system of Stern. The modification would have been obvious because mp3s are very small compressed music files which many users use because they can store more music.

As for claim 60, the rejection of claim 57 is incorporated, and further Stern discloses: wherein the information collected by the Wizard UI comprises at least one of an artist's name, an album name, a track name, a track number, and a genre (See figure 8d #868 title).

As for claim 61, the rejection of claim 57 is incorporated and further Stern discloses: storing the information collected by the Wizard UI in a media library such that the information is associated with the media content (See figure 8F and paragraph 0052).

As for claim 62, Stern discloses: a processor (See paragraph 0023) a memory (See paragraph 0025); a media player application stored in the memory and executed on the processor for playing media content that lacks a table of contents (See paragraph 0030); a media library stored in the' memory for maintaining metadata associated with the media content (See paragraph 0030', and a Wizard UI configured to enable a user to modify search criteria associated with the metadata to be used to identify metadata associated content, the metadata to be stored in the media library (See paragraph 0030).

As for claim 62, the rejection of claim 63 is incorporated and further Stern discloses: wherein the Wizard UI is further configured to enable a user to submit user-

entered metadata to be associated with the media content in the media library (See figure 8F and paragraph 0052).

As for claim 64 stern discloses: means for extracting search criteria from media content that lacks a table of contents (See paragraph 0030) means for locating metadata that may be associated with the media content based on the search criteria (See paragraph 0030); and means for displaying the metadata that may be associated with the media content to a user (See last 5 lines of paragraph 0032).

As for claim 65, the rejection of claim 64 is incorporated and further Stern discloses: further comprising means for enabling user modification of the search criteria (See paragraph 0030).

As for claim 66, the rejection of claim 64 is incorporated, and further Stern discloses: means for enabling a user to submit metadata to be associated with the media content (See figure 8 and paragraph 0030); and means for associating the metadata with the media content (See paragraph 0030).

As for claim 67, the rejection of claim 64 is incorporated, and further means for enabling user selection of metadata to be associated with the media content (See paragraph 0032), and means for associating the metadata with the media content (See paragraph 0030).

As for claim 68 Stern discloses: extract search criteria from media content that does not include a table of contents (See paragraph 0030), and perform a search based on the search criteria, the search returning one or more sets of metadata that may be associated with the media content (See paragraph 0030).

As for claim 69, the rejection of claim 68 is incorporated, and further Stern discloses: further comprising computer-readable instructions which, when executed, cause a computer system to display a Wizard UI that enables a user to modify the search criteria (See paragraph 0052 and note: when a user enters data he/she is modifying the search criteria since that is what the search terms are generated from).

As for claim 70, the rejection of claim 68 is incorporated, and further Stern discloses: provide a Wizard UI that displays the one or more set of metadata (See figure 7); enable a user to select a particular set of metadata (See paragraph 0030); and associate the particular set of metadata with the media content (See paragraph 0030).

As for claim 71, the rejection of claim 68 is incorporated, and further Stern discloses: enable a user to submit metadata to be associated with the media content (See paragraph 0030), and associate the user-submitted metadata with the media content (See paragraph 0030).

Claims 3,5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern and Marsh as applied to claim 1 above, and further in view of Music Match user guide (hereinafter Mmatch).

As for claim 3, the rejection of claim 2 is incorporated, and further Mmatch discloses: wherein the data structure for storing textual metadata comprises attribute tags for storing at least one of an artist name, an album name, and a track name (See "Tagging MP3 files". It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching on Mmatch into the system of Stern and Marsh. The modification would have been obvious because tagging allows for faster access since the tags are more recognizable by the user.

As for claim 5, the rejection of claim 1 is incorporated, and further Mmatch discloses: wherein the extracting comprises stored in an attribute tag associated with the media identifying an artist name content (See Mmatch page 4 Tagging).

As for claim 6, the rejection of claim 1 is incorporated, and further Mmatch discloses: wherein the extracting comprises identifying an album name stored in an attribute tag associated with the media content (See Mmatch page 4 Tagging).

As for claim 7, the rejection of claim 1 is incorporated, and further Mmatch discloses: wherein the extracting comprises identifying a track name stored in an attribute tag associated with the media content (See Mmatch page 4 tagging).

As fro claim 8, the rejection of claim 1 is incorporated, and further Mmatch discloses: wherein the extracting comprises parsing a filename associated with the media content based on a particular character to identify an artist name and a track name (See Mmatch page 4 tagging).

As for claim 9 the rejection of claim 1 is incorporated, and further Mmatch discloses: wherein the extracting comprises identifying a portion of a filename associated with the media content as a track name (See Mmatch page 4 tagging).

As for claim 10, the rejection of claim 1 is incorporated, and further Mmatch discloses: wherein the extracting comprises identifying a portion of a filename associated with the media content as an artist name (See Mmatch page 4 tagging).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stern and Marsh and Mmatch as applied to claim 3 above, and further in view of Softpointer.com (hereinafter Pointer) (Art of record).

As for claim 4, the rejection of claim 3 is incorporated and further Pointer discloses: wherein the media content is formatted as an MP3 file and the attribute tags comprise a plurality of ID3 tags (See page 1 paragraph 1).

Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern and Marsh and Mmatch as applied to claim 1 above, and further in view of US 20040175159 (hereinafter Oetzel).

As for claim 13, the rejection of claim 1 is incorporated, and further Stern and Marsh differ from the claimed invention in that wherein the displaying one or more sets of metadata that, based on the search criteria, may be associated with the media content comprises displaying one or more graphical tiles of data, such that each tile displays a track name, an album name, and an artist name is not explicitly indicated. Oetzel however does disclose: wherein the displaying one or more sets of metadata that, based on the search criteria, may be associated with the media content comprises displaying one or more graphical tiles of data, such that each tile displays a track name, an album name, and an artist name (See paragraphs 0065-0096). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teachings of Oetzel into the system of Stern and Marsh. The modification would have been obvious because a dvd is just a particular type of storage medium, a searchable metadata playlist on a computer allows users the ability to store even more information than the conventional DVD.

As for claim 14, the rejection of claim 13 is incorporated, and further Oetzel discloses: wherein a tile further displays a track number (See paragraph 0091).

As for claim 15, the rejection of claim 13 is incorporated, and further Oetzel discloses: wherein a tile further displays an associated album art (See paragraph 0080).

As for claim 16, the rejection of claim 13 is incorporated, and further Oetzel discloses: wherein a tile further displays an associated genre (See paragraph 0097).

As for claim 17, the rejection of claim 13 is incorporated, and further Oetzel discloses: wherein a tile further displays an associated record label (See paragraph 0079).

As for claim 18, the rejection of claim 13 is incorporated, and further Oetzel discloses: wherein a tile further displays an associated release date (See paragraph 0094).

Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Marsh, and in further view of Oetzel.

As for claim 34 Stern discloses opening media content that does not include a table of contents (See figure 6 no TOC); receiving a request for metadata associated with the media content (See paragraph 0030 lines 20-25), extracting search criteria from the media content (See paragraph 0030 lines 17-20); searching a database that contains media content metadata based on the search criteria (See paragraph 0030 lines 17-20); displaying one or more sets of metadata that, based on the search criteria, may be associated with the media content (See paragraph 26-28), receiving an indication of a user selection of a particular one of the sets of metadata (See paragraph 26-28 "user selects");

Stern differs from the claimed invention in that storing the user-submitted metadata in a media library, such that the user-submitted metadata is associated with the media content is not explicitly indicated. It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching on Marsh into the system of Stern. The modification would have been obvious because storing the information allows for the metadata to be downloadable.

Stern also differs from the claimed invention in that receiving an indication of a user request to manually enter metadata to be associated with the media content', enabling the user to submit metadata; receiving user-submitted metadata is not explicitly indicated. Oetzel however does disclose: receiving an indication of a user

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request to manually enter metadata to be associated with the media content (See paragraph 0039), enabling the user to submit metadata; receiving user-submitted metadata (See paragraph 0038). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings on Oetzel into the system of Stern and Marsh. The modification would have been obvious because a dvd is a type of storage, and allowing for the searchable content to reside on a computer means the user can store much more data than a dvd can hold.

As for claim 35, the rejection of claim 34 is incorporated, and further Stern discloses: writing the metadata to a media library, such that the metadata is associated with a particular media ID; and associating the particular media ID with the media content (See lines 4-8 of paragraph 0040).

As for claim 36, the rejection of claim 35 is incorporated and further Stern discloses: wherein the associating comprises modifying the media content to include the media ID (See paragraph 0040).

As for claim 37, the rejection of claim 35 is incorporated and further Stern discloses: wherein the associating comprises adding a binary GUID that represents the media ID to a file containing the media content (See paragraph 0040 and note that everything on a computer is reduced to binary).

As for claim 38, the rejection of claim 34 is incorporated, and further Marsh discloses: wherein the media content comprises an MP3 file (See paragraph 0668).

As for claim 39, the rejection of claim 34 is incorporated, and further Marsh discloses: wherein the media content comprises an WMA file (See paragraph 0668).

As for claim 40, the rejection of claim 34 is incorporated, and further Stern discloses: One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to implement the method as recited in claim 34 (See paragraph 0025).

Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LJH
Leon J Harper
January 4, 2006


MOHAMMAD ALI
PRIMARY EXAMINER